

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 05-10019-RGS
)	
DANIEL W. McELROY,)	
AIMEE J. KING McELROY, and)	
XIEU VAN SON)	
_____)	

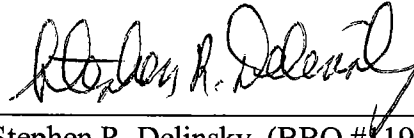
**MOTION OF DEFENDANTS, DANIEL W. MCELROY AND
AIMEE J. KING MCELROY, FOR A FRANKS HEARING TO DETERMINE IF
THERE WERE INTENTIONAL AND OR RECKLESS FACTUAL MATERIAL
OMISSIONS IN THE AFFIDAVIT SUPPORTING THE SEARCH WARRANT
DATED JUNE 25, 2001**

Defendants, Daniel W. McElroy ("Mr. McElroy") and Aimee J. King McElroy ("Ms. King") move this Court to conduct a hearing in accordance with Franks v. Delaware, 438 U.S. 154 (1978), to determine if the search warrant affidavit prepared by Special Agent Nancy McCormick of the Federal Bureau of Investigation intentionally and or recklessly omitted material information and whether these omissions were material to the magistrate's finding of probable cause for the search warrant dated June 25, 2001. In further support of this Motion, Mr. McElroy and Ms. King incorporate their Memorandum of Law filed simultaneously herewith.

Respectfully submitted,

DANIEL W. McELROY

By his Attorneys,



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June 30, 2005